

Ramsey County Mental Health Court Referral Procedure (Suburban Cases)

❖ WHAT IS THE RCMHC?

- The Ramsey County Mental Health Court (RCMHC) is a voluntary, pre-adjudication and post-sentence program. The RCMHC became operational in May 2005 and was created when it became increasingly clear that persons with mental illness and co-occurring mental illness and substance abuse disorders were in need of more specialized and individualized treatment. By partnering with the Minnesota Department of Human Services, the RCMHC team includes community human services case managers who can link participants to available community mental and chemical health services. RCMHC provides people whose criminal acts are driven by mental illness an opportunity to go into court-supervised treatment rather than the traditional court route. For more information, go to: [MN 2nd District Mental Health Program](#).

❖ QUESTIONS RE: ELIGIBILITY AND REFERRAL PROCESS?

- Contact Brandi Stavlo, RCMHC Program Coordinator with defendant's name and case file number(s). Telephone (651) 266-9256 or email brandi.stavlo@courts.state.mn.us.

❖ ELIGIBILITY CRITERIA

- To be eligible for RCMHC, an individual must not have a current charge or prior conviction that appears on the following list. **If an individual has current charges or prior convictions for the starred offenses above, a qualification determination will be made on a case by case basis.**
 - ✓ Aggravated Robbery I and II
 - ✓ Arson I and II
 - ✓ Assault I, II, III, IV*, V*
 - ✓ Burglary I, II, III*
 - ✓ Crime Committed to Benefit a Gang
 - ✓ Criminal Sexual Conduct
 - ✓ Criminal Vehicular Homicide
 - ✓ Criminal Vehicular Injury*
 - ✓ Domestic Assault*
 - ✓ Drive by Shooting
 - ✓ Failure to Register as a Sex Offender
 - ✓ Fugitive from Justice
 - ✓ Homicide
 - ✓ Kidnapping/False Imprisonment
 - ✓ Malicious Punishment of a Child
 - ✓ Possession of Pictures of Minors
 - ✓ Possession/Reckless Use of Weapons
 - ✓ Sale/Intent/Distribution of Drugs I and II
 - ✓ Stalking/Harassment
 - ✓ Terroristic Threats*
 - ✓ Violation of Order for Protection*
 - ✓ Witness Tampering

❖ HOW TO REFER A SUBURBAN CASE TO RCMHC:

STEP 1: CONTACT PROGRAM COORDINATOR:

Contact the RCMHC Program Coordinator with defendant's name and case file number(s). If defense attorney or referral source has clinical information that would be helpful for the referral process please fax them Program Coordinator before defendant's first appearance in RCMHC.

- Brandi Stavlo, RCMHC Program Coordinator
Telephone: (651) 266-9256 ; Fax: (651) 767-8940; Email:
brandi.stavlo@courts.state.mn.us

STEP 2: APPROVAL:

The suburban prosecutor must agree to the RCMHC referral.

STEP 3: COURT HEARINGS ARE SCHEDULED:

The defendant must be scheduled for both a RCMHC court hearing date **and** his/her next scheduled criminal court date.

STEP 4: RCMHC HEARING:

At the RCMHC court hearing date, the defendant will observe the court proceeding. If the defendant wants to continue the RCMHC referral process after observing court, he/she will be required to on the record:

- Mental Health Intake Assessment: Schedule a mental health intake assessment with the RCMHC case manager to determine appropriateness for the program
- Conditionally Released: Be conditionally released to Project Remand for purposes of RCMHC referral
- Acceptance/Denial: Come back to RCMHC for acceptance or denial into the program

STEP 5: SUBURBAN PROSECUTOR ROLE:

- Police Report:
The police report must be faxed to RCMHC Program Coordinator immediately.
- Legal Offers:
All offers in RCMHC come from the suburban prosecutor. Two legal offers (RCMHC offer and Traditional Track offer) will be made and distributed by the prosecutor to the defense attorney and RCMHC Program Coordinator **within a week** of the first appearance in RCMHC. Program Coordinator will distribute offers to the team.
- Required Court Appearances:
Suburban prosecutors must be available at **sentencing** and **program completion**. Please come prepared with offer and police report.
- Collaboration:
If the defendant is accepted into RCMHC, case management will email prosecutor regular staffing updates on how the participant is doing in the program and if any **sanctions** occur during the program. If your opinion is specifically ordered from the Judge, the Program Coordinator will alert you and request that you give your recommendation to the team via email or a conference call to the team at staffing.

STEP 6: DEFENSE ATTORNEY ROLE:

- The assigned public defender or private defense attorney will be available to answer any legal questions the defendant may have regarding the offers given by the prosecutor.
- A representative from the Public Defender's office or private defense attorney must be available for the plea hearing and put the plea in with their client.
- Once the defendant has been accepted into RCMHC, the RCMHC pro-bono defense attorneys will file a certificate of representation. If not accepted to the RCMHC, the defendant will proceed to his/her next criminal hearing with his/her assigned defense attorney.